

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA**

Case No. 1:22-_____

FRANCESCO LEFEBVRE D'OVIDIO,

Plaintiff,

v.

ROYAL CARIBBEAN CRUISES, LTD.,

Defendant.

DEFENDANT'S NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendant Royal Caribbean Cruises, Ltd., (“Defendant”) hereby files this Notice of Removal of this action, with full reservation of all defenses, from the Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida, to the United States District Court for the Southern District of Florida. In support of this Notice, Defendant states as its grounds for removal:

PROCEDURAL BACKGROUND

1. On May 23, 2022, Plaintiff Francesco Lefebvre d'Ovidio (“Plaintiff”) filed this action alleging violation of the Florida Uniform Fraudulent Transfer Act, unjust enrichment, conversion, and aiding and abetting conversion. Compl. ¶ 54-92. Plaintiff seeks a declaratory judgment, injunctive relief, and damages. *Id.*

2. Plaintiff's Complaint (the “Complaint”), which is the initial pleading setting forth the claims for relief upon which this action is based, was filed in the Eleventh Judicial Circuit in

and for Miami-Dade County, Florida, where the matter was assigned Case No. 2022-009415-CA-01 (the “State Action”).

3. The Complaint has not been served on Defendant. However, on May 24, 2022, undersigned counsel became aware that the Complaint had been filed on the public docket of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida. The Complaint was filed without a summons, and at the time of filing this notice, no summons has been filed or issued.

4. In accordance with 28 U.S.C. § 1446(a), a true and legible copy of the Complaint together with all documents filed in the State Action are attached hereto as Exhibit A. This constitutes all processes, pleadings, and orders served in the State Action.

5. A copy of the Notice being contemporaneously filed in the Eleventh Judicial Circuit in and for Miami-Dade County, Florida is attached hereto as Exhibit B.

DIVERSITY OF CITIZENSHIP

6. This Court has jurisdiction over this removed action pursuant to 28 U.S.C. § 1441. Federal district courts have original jurisdiction over all civil actions in which there is diversity of citizenship and the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs. *See* 28 U.S.C. § 1332(a). As discussed below, complete diversity of citizenship exists between Plaintiff and Defendant.

7. Plaintiff is a citizen of Italy, residing in Rome. Compl. ¶ 15.

8. Defendant is a corporation organized and existing under the laws of the Republic of Liberia, with its principle place of business in Miami, Florida. Compl. ¶ 16.

9. Accordingly, there is, and was at the time this action was filed, complete diversity of citizenship between Plaintiff and Defendant.

AMOUNT IN CONTROVERSY

10. The amount in controversy requirement for diversity jurisdiction is satisfied in this case because it is clear from the face of Plaintiff's Complaint that "the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs." 28 U.S.C. § 1332(a).

11. In addition to other forms of relief, the Complaint seeks monetary damages of 800 million Euros (more than \$850 million dollars)—the alleged value of 52.12% of Silversea Cruise Holding, Ltd. that Plaintiff claims entitlement to—based on allegations of unjust enrichment and conversion. Compl. ¶ 41, 74-75, 81-82.

12. In the Complaint, Plaintiff alleges that the amount in controversy exceeds \$750,000, exclusive of interest, costs, and attorneys' fees. Compl. ¶ 17. Additionally, in its Civil Cover Sheet filed in the Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida, Plaintiff stated that the "amount of claim" is "over \$100,000." Civil Cover Sheet, p. 1.

13. Accordingly, the amount in controversy exceeds \$75,000, exclusive of interest and costs. *See* 28 U.S.C. § 1332(a).

THE REQUIREMENTS OF §§ 1332, 1441, AND 1446 ARE SATISFIED

14. This Court has jurisdiction over this matter based on diversity of citizenship pursuant to 28 U.S.C. § 1332. Removal is permitted by 28 U.S.C. § 1441(a).

15. Removal is timely in accordance with 28 U.S.C. § 1446(b).

16. Pursuant to 28 U.S.C. § 1446(a), this Court is the proper venue for removal of this action because the Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida is located within this federal district.

17. Pursuant to 28 U.S.C. § 1446(d), Defendant will provide written notice of the filing of this Notice of Removal to all adverse parties and will file a copy of this Notice of Removal with the Clerk of the Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida.

CONCLUSION

For all these reasons, Royal Caribbean Cruises, Ltd. hereby removes this action from the Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida to this Court.

DATED: May 26, 2022

Respectfully submitted,

QUINN EMANUEL URQUHART & SULLIVAN LLP

By /s/ Olga M. Vieira

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Attorneys for Defendant Royal Caribbean Cruises, Ltd.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing document was served
via-email, on this 26th day of May, 2021, to:

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